

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 15,837  
 )  
Appeal of )

## INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for Food Stamps and terminating her eligibility for Vermont Health Access Program (VHAP). The issue is whether the petitioner's income is greater than the maximum gross income test established by the regulations for these programs.

## FINDINGS OF FACT

1. The facts are not in dispute. The petitioner, who lives alone, recently started a new job. Her earnings are \$599 gross wages a month. She also has unearned income of \$528 a month. This yields a monthly gross income of over \$1,127.

2. The petitioner applied for Food Stamps in January, 1999. She appealed because the computer-generated notice she received contained conflicting information regarding her eligibility. The Department concedes that the notice contained a line of information that was inaccurate, rendering the notice confusing.

3. In a separate action in January, 1999, based on the same (undisputed) information regarding the petitioner's income, the Department closed the petitioner's VHAP benefits

effective April 1, 1999, because of excess income.

ORDER

The Department's decision is affirmed.

REASONS

Families and individuals who are not receiving public assistance (ANFC) and who do not contain at least one elderly or disabled member qualify for Food Stamps only if their gross monthly income is below the standards set by the Department in its regulations. See Food Stamp Manual (FSM) § 273.9(a). The maximum gross income for a household of one person is \$873 a month. See Procedures Manual § P-2590 C. Unfortunately, there are no deductions of any sort allowed before application of the gross income test. As noted above, the petitioner does not dispute the Department's calculations of her income. Inasmuch as the Department's decision regarding the petitioner's Food Stamps is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

As for VHAP, the gross income maximum for that program as of the date of the Department's decision in the case was \$1007 a month. However, as of April 1, 1999, a change in Federal guidelines enabled the Department to raise the

monthly maximum income level to \$1,242.<sup>1</sup> The petitioner's VHAP benefits under the previous guidelines were continued pending a final decision in the petitioner's appeal; and as of April 1, it appears that she will be eligible under the new guidelines. Therefore, even though the Board must affirm the Department's January decision closing her VHAP, it appears the petitioner will suffer no loss or gap in those benefits.

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<sup>1</sup>Apparently, in January, 1999, when it closed the petitioner's VHAP, the Department did not know it would be implementing this change effective April 1, 1999.